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Non sibi, sed patriæ.

ARGUMENT

IN FAVOR OF

DISCRIMINATING LEGISLATION

REGARDING THE SALE OF

FERMENTED AND DISTILLED LIQUORS.

ADDRESSED TO THE

7583.176

JOINT SPECIAL COMMITTEE OF THE MASSACHUSETTS LEGISLATURE ON THE SALE OF INTOXICATING LIQUORS.

BOSTON:
FRANKLIN PRESS: RAND, AVERY, AND COMPANY.
1877.

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Trovelpis

Miss Lillian Freeman Clarke,

Oct. 14, 1897.

To the Members of the Joint Legislative Committee on Liquor Question.

Sirs, — In addressing you on a matter intimately connected with a branch of trade in which I am financially interested, I do not lose sight of the common saying about the influence of a man's pocket on his judgment. To claim exemption would only weaken your belief in my candor: I am quite sure, however, that the step would not have been taken but for the sincere conviction that it *is* a step in the interest of sobriety and practical temperance.

If the objection must be met, that these arguments are neither original nor new, it may fairly be done by pointing out the fact that your committee has patiently listened to other statements, against which this objection could be urged with at least equal force.

I respectfully ask you, to grant the same share of attention accorded to others.

HENRY H. RUETER.

Boston, March 8, 1877.

ARGUMENT.

THE question I desire to discuss is simply this: If, by law, fermented malt liquors are classified with whiskey, rum, gin, brandy, and other distilled liquors, and subjected to the same stringent restrictions, is such law in accord with facts, and is its wisdom borne out by experience?

Relative Percentage of Alcohol.

A table of analyses, from official records, shows the percentage of alcohol in different drinks to be as follows: —

"Ottawa" Beer	contains	2.00	per cent	of alcohol.
Average German Lager-beer	"	3.80	"	"
Common Massachusetts Lager-beer	"	4.00	"	"
Common Massachusetts Ale	"	4.10	"	"
Average Massachusetts Ale	"	5.20	"	"
Home-brewed "Hop-beer" (made by farmers and private families from molasses and hops)	"	5.50	"	"
Strong Massachusetts Lager-beer	"	5.80	"	"
Common Cider	"	6.10	"	"
London Porter (imported)	"	6.10	"	"
Strong "Stock" Ale	"	6.30	"	"
London Ale (imported)	"	6.80	"	"
Dublin Porter (imported)	"	7.00	"	"
Edinburgh Ale (imported)	"	7.50	"	"
"Hard" Cider	"	10.40	"	"
Native Grape Wine	"	13.30	"	"
Currant Wine	"	13.60	"	"
New England Rum	"	50.00	"	"

It will be observed that average ale and lager-beer, as brewed and sold in Massachusetts, contain only one-tenth part as much alcohol as rum or whiskey.

The State Assayer for Massachusetts says: —

"Malt liquors, such as ale and beer, differ materially in composition from other spirituous liquors. They contain less alcohol than any other fermented beverages, and also a very large proportion of malt and grain extracts, — substances very much like *corn-starch*, the common article of food, — consisting principally of starch and dextrine, with a little sugar. They also contain a very small proportion of the bitter principle of hops.

"The dangerous *fusel* oil is not produced by any process of brewing or fermenting; and, as these liquors are not distilled, the presence of poisonous metals, frequently found in spirits, is entirely avoided. Ale and beer are never found adulterated with deleterious substances in this State, and are the only liquors entirely exempt from admixture."

Process of Manufacture.

In the process of brewing, barley is steeped in cold water, spread on cement or stone floors, and allowed to germinate or sprout; it is then kiln-dried, and is called "malt." Malt is mainly composed of starch, sugar, dextrine, and gluten, and contains, besides, "diastase," a vegetable principle generated during germination, and of such energy that one part, under proper temperature, is sufficient to render soluble two thousand parts of starch, and to convert them into sugar. This is the keystone of the brewer's art; and scrupulous cleanliness in all stages of the brewing process is the *sine qua non* of success. The solution and conversion of the ingredients of the malt is effected, after crushing between iron rollers, by an infusion of hot water (of about one hundred and sixty degrees), in the "mash-tub," from where the sweet "wort" is drawn into the boiling tub or kettle. Here the hops are added, and in part boiled with the wort, their lupuline yielding the fine aroma and pleasant bitter, characteristic of good beer and ale. The boiling tends to coagulate the gluten, and when the wort "breaks," or has become clear, it is drawn from the hops, and speedily cooled down to the proper temperature for fermentation. This is started by adding yeast, in due proportion, to the wort, in the fermenting-tuns. By the action of the yeast the sugar in the wort is partly decomposed and changed into alcohol; and it is just here, where the objects of the distiller and the brewer wholly differ. While the former seeks so to regulate his mash and his fermentation as to convert every available atom of sugar into alcohol, to be afterwards evaporated and condensed by the still, it is the end and aim of the brewer so to control his fermentation, through its temperature and the quantity of yeast

added, that a portion only of the malt extract undergoes this change. His object is rather to retard than to favor the formation of alcohol, and to retain in his finished product as much of the original malt extract, as is practicable, as thus only can he hope, to attain the "full" flavor indispensable for the popularity of his brew.

Comparative Alcohol Percentage of German and American Beer.

It is *not* the brewers' object to "fuddle," as ex-Senator Coe, as chairman of a committee on Liquor Law, in 1873, unjustly charged. Far from it: it is the constant aim of our best and leading brewers to reduce the small amount of alcohol in ale and beer to its practical minimum. In Northern Germany and Bohemia, where the popular "Pilsener" (derived from the Bohemian city of Pilsen) originated, brewers have brought down the proportion of alcohol in their beer to $2\frac{1}{2}$ to 3 per cent, and this is now the average percentage of alcohol contained in the beer brewed there for domestic consumption; their export beers may range somewhat higher. In this country the fermentation of beer-worts, compared to that of Europe, is abnormally vigorous, and consequently their tendency to "attenuate," or to create alcohol, is so much stronger. Climatic conditions, and possibly the lack of certain salts in American barley, may account for this singular physiological fact. These lacking salts, principally phosphates, may be imparted to the barley by a proper system of manuring; and the disturbing effects of frequent and sudden changes of temperature may be overcome by improved appliances and methods. The subject was treated at the Brewers' Convention at Cincinnati, in 1875. American brewers will yet successfully compete with their European colleagues in this, as they already do in all other requisites of good beer and ale.

To render his product rich in nutritious malt extract and light in alcohol; to preserve the exquisite aroma of the hop, not to be derived from any other source; and to retain a due proportion of the refreshing and thirst-quenching carbonic acid, set free during the conversion of sugar into alcohol, — these are the desiderata, which the rational brewer of the present day seeks to attain. The less he is hampered in the exercise and development of his trade,

the sooner will the present alcohol-percentage — even now trifling compared to that of distilled liquors — approach the present German average, and be but *one-half* that contained in common cider, less than *one-third* the amount found in "hard" cider, and but very little more than is contained in the "temperance" beverage known as "Ottawa" beer.

Those who feel disposed to base an argument against beer-brewing in this country on the physiological fact just stated must not ignore the other fact, that the stimulating nature of our American climate favors a craving for strong drink, and that American malt liquors, therefore, hold their *relative* social position even with their *present* percentage of alcohol.

Malt Liquors as an Article of Diet.

To millions of sober, temperate people, malt liquors are an essential article of daily diet, and are used as such to a large and increasing extent in this country. By far the larger part of malt liquors sold at retail in this city is sold by the measure to the laboring class, and is carried home, to be taken with their meals, instead of tea and coffee. Bayard Taylor, than whom no man had a better chance for observation, writes under date of Aug. 14, 1875, *a propos* of this subject: "At Portland (Me.) we had twenty-five minutes for dinner, — an ample time, had the attendance been prompt: yet I cannot well complain, after finding that genuine English ale, on tap, could be had, instead of the usual terrors of tea and coffee. We Americans are a curious, almost an incomprehensible race. There is nothing more refreshing, nutritive and wholesome, than good ale: there is nothing more discouraging to stomach and soul than the over-boiled, bitter slops, which are usually served to us. Yet we rarely have a chance to get the former; and, even when we have such a chance, we prefer, for the sake of appearances, to swallow the loathsome substitute."

When, a year or two ago, the beer-tax was under debate in the German Parliament, the representatives of the people refused to sanction any change in the existing low rate, — less than one-third as high as ours, — in consideration of the expressed facts, that, by an increase of the tax, an article of diet and nourishment most valuable to the poorer classes, and for which no other

can be substituted, would thereby advance in cost; and that a branch of industry would be imperilled, which at present gives profitable employment directly and indirectly to thousands of hands, and whose prosperity is of vital importance to the agricultural interests of the country.

Ale and Beer as Substitutes for Distilled Liquors.

Valuable as malt liquors are, dietetically considered, they are no less important as the surest safeguard against the spread of intemperance, inseparably connected, it would seem, with the use of distilled drink by the people. It is safe to say, that this country is the only one, where the manufacture, sale and consumption of malt liquors is yet looked upon as inimical to public welfare and sobriety, as shown by the enactment of prohibitory or restrictive statutes in various States. Denmark and Sweden exempt malt liquors from all taxation, in order to induce their substitution for distilled drinks. Denmark now produces annually $9\frac{1}{2}$ gallons of malt liquors per head of population; Sweden only $2\frac{1}{2}$ gallons; Russia, Sweden, and Norway average less than $2\frac{1}{4}$ gallons per head, and the consumption of strong drink with its attendant evils prevails; Germany produces $32\frac{1}{2}$ gallons per head of population, and is sober. England (United Kingdom), always held up to public gaze by those not friendly to malt liquors as steeped in beer, and in refutation of the claim, that the consumption of malt liquors, as a national drink, tends to keep the people sober, produces less than 30 gallons (29.86) *per capita*, not as much as Germany averages, and not half the quantity that Bavaria and Wurtemberg, taken together, produce per head. As England exports very largely, the rate of *consumption* per head must be considerably less than this rate of *production*, and much of the intemperance prevailing there must therefore be charged to the popular use of drinks stronger in alcohol, than ale, porter and beer. Besides, the alternative must not be forgotten or ignored, that, if England were not a beer-drinking country, it would consume more brandy, whiskey, rum, and gin. The English revenue laws are designed to discourage the sale of distilled liquors, and to encourage, instead of that, the sale of beer. The taxation upon spirituous liquors is very high, and upon beer it is, comparatively, very low.

In the United States the annual production of malt liquors averages 8 gallons per head of population, a small quantity compared to Bavaria, where the average is 61½ gallons *per capita*. And yet Dr. H. P. Bowditch stated before the Liquor Law Committee of 1873, that in Munich, the beer-drinking city *par excellence*, he saw nothing, during a stay of some weeks, to show that drunkenness was at all common. In the city hospital there, but *one* patient suffering with delirium tremens was received in the course of five years. Dr. John P. Reynolds testified at the same hearing: "Lived seven months of last year in Germany, in Munich and some time in Vienna. I have no question, so far as my observation extends, that the habit of drinking malt liquors and light wines (for that is the habit of all classes, men, women, and children) is a great gain to the matter of temperance, as compared with the habit of drinking whiskey, gin and rum. In Berlin, as observed during a residence of several months, an immense amount of beer is drank, and yet a person can see about as much disturbance and intoxication in the beer-gardens there as we should see in an ice-cream saloon in Boston. Never saw a glass of distilled spirits sold there, although it might have been. I think that the use of malt liquors diminishes the desire for stronger stimulants. If you can accustom persons to take malt liquors regularly and moderately, it would diminish the number who resort to strong drink." Dr. Charles E. Buckingham stated in reply to the question, "Does the use of malt liquors increase the desire for distilled drink?" — "I should say just the opposite. Cannot state the reason, but know the fact. Persons who have been in the habit of using distilled spirits, whom I have been able to get off on malt liquors, have done well, while a great many, who have not, have taken to opium."

Dr. Henry I. Bowditch of Boston contributes to the Annual Report of the State Board of Health of Massachusetts, for 1872, a treatise on the use and abuse of alcoholic drinks, which not merely deserves but demands the earnest attention of all having the cause of national temperance at heart, and, above all others, of those, upon whom rests the grave responsibility of framing the people's laws. Dr. Bowditch entered into a systematic correspondence with American ambassadors and consuls, and other

able correspondents, stationed in all the various important countries of the world, and virtually embracing the civilized parts of the globe. Two ideas were mainly presented: namely, —

"First, To learn the nature and character of the stimulants used by the inhabitants of the respective countries, and the influence of such indulgence on the health and prosperity of the people.

"Second, The relative amount of intoxication in said countries compared to that known by such correspondents to exist in the United States."

Replies came from forty-nine different places; and among the correspondents are many of our most distinguished citizens, some of whom are well known for their eminent intellectual and moral qualities. The deductions made by Dr. Bowditch from a careful analysis of this correspondence are: —

I. Stimulants are used everywhere, and at times abused, by savage and by civilized men. Consequently intoxication occurs all over the globe.

II. This love of stimulants is one of the strongest of human instincts. It cannot be annihilated, but may be regulated by reason, by conscience, by education, or by law when it encroaches on the rights of others.

III. Climatic law governs it; the tendency to indulge to intoxication being not only greater as we go from the heat of the equator towards the north, but the character of that intoxication becomes more violent.

IV. Races are modified physically and morally by the kind of liquor they use.

V. Beer, native light grape-wines and ardent spirits should not be classed together; for they produce very different effects on the individual and upon the race.

VI. Light German beer and ale can be used even freely without any very apparent injury to the individual, or without causing intoxication. They contain very small percentages of alcohol (4 or 5 to 6.50 per cent).

VII. By classifying all liquors as equally injurious, and by endeavoring to further that idea in the community, we are doing a real injury to the country by preventing a freer use of a mild lager-beer, or of native grape-wine, instead of the ardent spirits to which our people are now so addicted.

VIII. Instead of refusing the German lager-beer, we should seek to have it introduced into the present "grog-shops," and thus substitute a comparatively innoxious article for those potent liquors which now bring disaster and death into so many families.

"I fully agree," Dr. Bowditch says, "with all that has been said of the value of light wines as an aid to temperance; but I believe that Germans are destined to be really the greatest bene-

factors of this country, by bringing to us, if we choose to accept the boon, their beer. Lager-beer contains less alcohol than any of the native grape wines. This fact, with the other fact that the Germans have not the pernicious habits of our people, would, if we chose to adopt their customs, tend to diminish intemperance in this country. I believe that, even when used intemperately, light beer, ale, lager-beer, wines like claret, &c., do vastly less harm than the stronger ardent spirits. In truth, the former cannot produce intoxication, except after the swallowing of a very large quantity, — so large that, before intoxication is produced, the disposition to drink is satiated."

Discriminating Policy of Germany.

But with all this evidence before us, that in other countries the general consumption of malt liquors is consistent with the sobriety and good morals of the people, and is conducive to public welfare, we here fail to discriminate in their favor, and thus confound friend and foe. Here prohibition or restriction is applied alike to beer and whiskey: in Germany the sale of the former is as free as that of coffee, tea and mineral-waters. The law adopted for the German States in 1869 merely provides, that an application for the privilege of selling beer or wine at retail, or by the glass (the wholesale trade in fermented and distilled liquors is not subjected to legal restrictions concerning sales), *must* be granted, if the party so applying has not previously been found guilty of any acts, fairly warranting the presumption, on the part of the authorities, that such privilege was likely to be abused by permitting or encouraging drunkenness, illegal gaming and licentiousness, or by concealing or abetting of crime. Regarding the retail sale, or sale by the glass, of *distilled liquors*, the German law demands, in addition to a previous good record, that the applicant must bring proof, that public convenience or need reasonably requires the opening of a place for such sale; thus making it virtually optional with the authorities, to grant or to refuse. Will it never do, to accept a lesson from a nation equally advanced in political economy and social science, and equally interested in the progress and elevation of mankind?

Immediate Effects of Lack of Discrimination.

Under a prohibitory law which alike forbids the sale of fermented and distilled liquors, or under a license law which imposes the same stringent restrictions on both classes of drink, the vantage-ground is surely held by the distilled liquors. These, small in bulk, and of keeping quality, with the greatest ease surreptitiously conveyed and safely hidden, find their way through illegal channels everywhere, where demand for them exists. Ale and beer, too bulky and too perishable to be handled with like facility and safety, are driven, not only from sight, but, to a great extent, out of consumption, and potent distilled liquors are sure to take their place. By an energetic attempt to enforce a strict prohibitory law the sale of ale and beer (except imported brands) could be stopped; that of distilled spirits — never. Prohibition never lessened the quantity of distilled liquors sold, but had a wretched effect on their quality.

The price paid to the brewer for his ale or beer by the dealer is established and fixed much like that of bread or milk. The general knowledge of the wholesale price paid by the dealer, and an active competition, are sure to save the public from paying any but a moderate profit. It is furthermore impossible for the dealer to increase this profit by adulterating or extending the goods, as can be done with distilled liquors. As a profit thus limited will not readily make up for losses by seizure, when malt liquors are seized, as they are sure to be, because they cannot be readily got out of the way of the officers, the brewer must, *nolens volens*, ultimately bear the loss in nearly all such cases — casks and all. Distillers and wholesale liquor houses do not shoulder or share the losses incurred by their customers through seizures. The quantity of spirituous liquors thus taken is not only generally small, but the far better profit made on them enables and disposes the jobbers and retail dealers to bear the losses themselves. It will be observed, that, in the case of malt liquors, the object of the law, to mainly check and restrain, where abuse is most likely to occur, in the hands of the retailer, is not reached.

Suggestions.

It is evident, then, the same law, applied to both classes of drink, does not affect them alike. It must also be evident to

every candid mind, that the two classes of drink are wholly different, chemically considered, and totally unlike in their general effect on a people, when used as a popular beverage. Why, then, still insist on making them amenable to the same prohibitory or restrictive statute? Does it not appear that a sound, discriminating policy should favor the free sale of malt liquors, to meet that "love of stimulants which is one of the strongest of human instincts," and which can neither be argued nor legislated out of existence? Or, if restrictions *must* be put upon the sale of fermented liquors as well as upon distilled drinks, is it not reasonable to ask to make these restrictions stringent only in proportion to the respective alcoholic strength of the two classes of stimulants, and to their liability to do harm, if harm *must* come from imbibing alcohol in any form and in any quantity, however small? May it not, at least, be left optional with cities and towns in the Commonwealth to permit or refuse the sale of ale and beer, as it was in 1872? Or could not a reasonably low percentage of alcohol be adopted as a limit for these beverages, at or below which they shall not be considered intoxicating liquors?

It will be argued, as it has often been argued in the past, even by members of the Legislature, who recognized and admitted all that has here been said in favor of malt liquors, that the sale of ale and beer would be made a cover for the sale of strong drink; and that, even if the sale of malt liquors was not harmful, or was even beneficial in itself, this additional difficulty in enforcing the law, prohibiting or restricting the sale of distilled liquors, made it impolitic to favor the sale of mild beverages; in other words, that a wrong may be done in order to secure a possible good, — that the end sanctifies the means. Was ever logic or justice claimed for such an argument in legislating upon any other matter, even for the suppression of the most heinous crimes? Besides, the argument goes too far: it defeats itself; for, if the sale of ale and beer affords a cover, it no less gives notice, if the allegation be true, where strong intoxicating liquors are kept for sale. If the argument holds good in this case, that difficulty of enforcing is a valid reason against the adoption of a liberal statute, the same argument must recoil with equal force against the enactment of prohibitory or unduly stringent license laws.

But for the unfriendly nature of our State laws respecting the sale of mild beverages, the pronounced tendency of our times, to substitute them for the more potent alcoholic stimulants, would have freely worked its own beneficent way, and left Massachusetts to-day better for it.

Source and Incongruity of Opposition.

The adoption by the State of a more liberal policy towards the sale of malt liquors will always be strenuously opposed from two sides, prompted by widely different motives. Whenever battle is to be waged against ale and beer, the champions of total abstinence and thorough-going prohibition find allies in those, whose interests are bound up in the manufacture and sale of distilled liquors. This is no mere conjecture, but a well-understood fact. Standing thus between two fires, fermented beverages, instead of being made the common ground, on which the ultra defenders of either side of the question could meet, are made to share the tender mercies of laws, predicated and framed on premises wholly inapplicable in their case. What is worse, they, in the very nature of things, bear the *onus* of the law. The prohibitionists persistently refuse to be guided in their action by the wide difference in the two kinds of drink. To them fermented malt liquors, containing alcohol in the proportion only of one part in twenty, — withou first being eliminated by the still, but in its original combination with nutritious malt extract, the tonic principle of the hops and the refreshing carbonic acid gas, and therefore of physiological action on the human system differing in its effects from that produced by *distilled* alcohol, — are the same as distilled liquors, although they contain ten times the amount of alcohol, uncombined, except with water and some coloring or flavoring matter. However strongly this policy may be condemned as far as the promotion of true temperance is concerned, it must be admitted, that as champions of an abstract idea, for which the *nimbus* of the law is coveted, the prohibitionists are employing admirable tactics; for it will at once be seen, that a beverage, commending itself so strongly to the common sense of people everywhere, as to reach a yearly consumption of over 2,900,000,000 gallons, must certainly be looked upon as an arch-enemy by those who have consecrated themselves to unrelenting

warfare against alcohol in any form or guise, as an article of consumption. Meanwhile malt liquors are steadily gaining in popular favor as a salubrious and refreshing drink, and are finding new fields from which to drive noxious drugs. Even the Turks begin to take kindly to lager-beer; and as the Koran fortunately, or rather providentially, does not inhibit its use, as it does that of wine, they may yet be reclaimed, by its influence, from the debasing and soul-and-body-destroying use of opium and hasheesh. The Japanese Commissioners paid earnest attention to the Brewers' Industrial Exhibition at Philadelphia, and negotiated for models and plans of a large brewery with all modern appliances. Brewing is at this very day successfully carried on by an American in Yeddo.

Brewing in its Relation to other Industries.

As showing one phase of the influence the brewing trade exerts on the prosperity of many other branches of industry, a few words regarding the present state and the prospects of hop-culture in this country will not be deemed a transgression. Under the impetus of a yearly increasing demand for hops for domestic consumption, at present fully twenty million pounds per annum, hop-culture has made immense strides in this country within a decade of years. Not only is this home demand fully supplied by our growers, when formerly it had to be covered to great extent by foreign importation, but large quantities of hops are now exported to Europe in addition. The shipments from New York, from Sept. 1, 1876, to Jan. 26, 1877, — less than five months, — were 23,715 bales, or 4,743,000 lbs., taking a bale at an average weight of 200 lbs.; and since then the export to England has averaged a thousand bales per week. During the above-stated period, only five bales came into New York from foreign ports. And all this in spite of a stubborn prejudice in the minds of many English and German brewers against American hops. With more care in picking and curing on the part of our growers, this prejudice will surely be overcome by the really fine quality of our hops; the demand will increase, and the prices realized, as yet much below those paid for favorite growths of English, German, and Bohemian hops, will be more in keeping with the intrinsic value of our product. Sections especially adapted for hop-growing abound

from the Atlantic to the Pacific. Choice hops are raised in Maine as well as in California. In the Eastern States, where the old, worn-out hop-gardens had been abandoned, new plantations have been set out with imported roots within a few years, and yield fine hops. Some very choice hops came to the Eastern market this year from Washington Territory. Wisconsin and Michigan are hop-growing States; but by far the largest supply is received from the State of New York, especially from Madison, Oneida, Otsego, Schoharie and Franklin Counties. With a rate of beer production per head of population equal to that of the German empire, the yearly consumption of hops in this country would be 80,000,000 lbs.; with that of Bavaria, 160,000,000 lbs., representing a value, at an average price to the grower of 25 cts. per lb., at which figure hops are a very profitable crop, of $40,000,000. Although a comparison of the Bavarian rate of beer production with that ever likely to prevail in this country seems wholly chimerical, the totals themselves are not; for the rapid increase of our population, and the far more rapid actual increase of the rate of production of malt liquors *per capita*, will roll up the figures to vast proportions before a great many years have passed. When to this is added the prospect of a permanent and large foreign demand, which is sure to come, because the sections producing really fine hops are very limited in Europe, the importance of hop-culture, as one of the resources of this country, must be admitted, and can hardly be over-rated. How little the development of an export trade in hops was expected by our government, is shown by the fact that only two or three years since the import duty on the article was changed from 5 cts. to 8 cts. per lb.

Beer and Ale the People's Drink.

Leaving out of unprofitable discussion, whether alcoholic stimulants ought or ought not to be drank, and only recognizing the fact, that "no nation known to us has ever passed into the inventive condition of even rudimentary civilization, without discovering, and, having discovered, without largely indulging in, the stimulus of alcohol," the *practical* question arises: Which one of the many alcoholic beverages consumed is fittest to supply this universal demand? or, to put it as many would conscientiously express it: Which one of the many alcoholic stimulants con-

sumed is the least hurtful? This question has been irrevocably settled in favor of fermented malt liquors. By whom? Not by partisan or theorist, but by a tribunal, from whose decision there is no appeal to higher earthly authority — by the people themselves; and — *vox populi, vox Dei!* No other stimulant is so universally esteemed and consumed by *all* classes, as is the drink of the people, — ale and beer.

Do the people of Massachusetts acquiesce in this popular verdict? The difficulty is, to obtain an unreserved expression of opinion; if it could be had, the practical sense of the people, and malt liquors, would carry the day. But there is much indifference and more misconception yet to overcome. If those of our citizens who have had ample opportunity abroad, to observe the effect of a general consumption of ale or beer on other nations; or those who have watched with open eyes and without bias the influence exerted by the habitual use of these beverages in sections of our own country — would brave the clamor of misdirected zeal, and openly express their conviction, much unfounded prejudice would be removed from the minds of many, who, never having had an opportunity to observe for themselves, formed their judgment from vague ideas, and were readily made proselytes to one-sided views.

Conclusion.

That the nature, the influence and the mission of fermented malt liquors may become better understood, and that such better knowledge may tend to bring the legal status of these beverages in Massachusetts more in accord with deductions to be made from facts and experience, is the aim for which these pages are respectfully submitted.